

Appendix A: Revised Final Rules

1. Section 1.923 is amended to add paragraph (i) to read as follows:

§ 1.923 Content of Applications

(a) * * *

* * *

(i) Unless an exception is set forth elsewhere in this chapter, each applicant must specify an address where the applicant can receive mail delivery by the United States Postal Service. This address will be used by the Commission to serve documents or direct correspondence to the applicant.

2. Section 1.927 is amended by revising section (a) to read as follows:

§ 1.927 Amendment of applications.

(a) Pending applications may be amended as a matter of right if they have not been designated for hearing or listed in a Public Notice as accepted for filing for competitive bidding, except as provided in paragraphs (b) through (e) of this section. * * *

3. Section 1.928 is added to read as follows:

Sec. 1.928 Frequency coordination, Canada.

(a) As a result of mutual agreements, the Commission has, since May 1950 had an arrangement with the Canadian Department of Communications for the exchange of frequency assignment information and engineering comments on proposed assignments along the Canada-United States borders in certain bands above 30 MHz. Except as provided in paragraph (b) of this section, this arrangement involves assignments in the following frequency bands.

MHz

30.56-32.00
33.00-34.00
35.00-36.00
37.00-38.00
39.00-40.00
42.00-46.00

47.00-49.60
72.00-73.00
75.40-76.00
150.80-174.00
450-470
806.00-960.00
1850.0-2200.0
2450.0-2690.0
3700.0-4200.0
5925.0-7125.0

GHz

10.55-10.68
10.70-13.25

(b) The following frequencies are not involved in this arrangement because of the nature of the services:

MHz

156.3
156.35
156.4
156.45
156.5
156.55
156.6
156.65
156.7
156.8
156.9
156.95
157.0 and 161.6
157.05
157.1
157.15
157.20
157.25
157.30
157.35
157.40.

(c) Assignments proposed in accordance with the railroad industry radio frequency allotment plan along the United States-Canada borders utilized by the Federal Communications Commission and the

Department of Transport, respectively, may be excepted from this arrangement at the discretion of the referring agency.

(d) Assignments proposed in any radio service in frequency bands below 470 MHz appropriate to this arrangement, other than those for stations in the Domestic Public (land mobile or fixed) category, may be excepted from this arrangement at the discretion of the referring agency if a base station assignment has been made previously under the terms of this arrangement or prior to its adoption in the same radio service and on the same frequency and in the local area, and provided the basic characteristics of the additional station are sufficiently similar technically to the original assignment to preclude harmful interference to existing stations across the border.

(e) For bands below 470 MHz, the areas which are involved lie between Lines A and B and between Lines C and D, which are described as follows:

Line A-- Begins at Aberdeen, Wash., running by great circle arc to the intersection of 48 deg. N., 120 deg. W., thence along parallel 48 deg. N., to the intersection of 95 deg. W., thence by great circle arc through the southernmost point of Duluth, Minn., thence by great circle arc to 45 deg. N., 85 deg. W., thence southward along meridian 85 deg. W., to its intersection with parallel 41 deg. N., thence along parallel 41 deg. N., to its intersection with meridian 82 deg. W., thence by great circle arc through the southernmost point of Bangor, Maine, thence by great circle arc through the southernmost point of Searsport, Maine, at which point it terminates; and

Line B-- Begins at Tofino, B.C., running by great circle arc to the intersection of 50 deg. N., 125 deg. W., thence along parallel 50 deg. N., to the intersection of 90 deg. W., thence by great circle arc to the intersection of 45 deg. N., 79 deg.30' W., thence by great circle arc through the northernmost point of Drummondville, Quebec (lat: 45 deg.52' N., long: 72 deg.30' W.), thence by great circle arc to 48 deg.30' N., 70 deg. W., thence by great circle arc through the northernmost point of Campbellton, N.B., thence by great circle arc through the northernmost point of Liverpool, N.S., at which point it terminates.

Line C-- Begins at the intersection of 70 deg. N., 144 deg. W., thence by great circle arc to the intersection of 60 deg. N., 143 deg. W., thence by great circle arc so as to include all of the Alaskan Panhandle; and

Line D-- Begins at the intersection of 70 deg. N., 138 deg. W., thence by great circle arc to the intersection of 61 deg.20' N., 139 deg. W., (Burwash Landing), thence by great circle arc to the intersection of 60 deg.45' N., 135 deg. W., thence by great circle arc to the intersection of 56 deg. N., 128 deg. W., thence south along 128 deg. meridian to Lat. 55 deg. N., thence by great circle arc to the intersection of 54 deg. N., 130 deg. W., thence by great circle arc to Port Clements, thence to the Pacific Ocean where it ends.

(f) For all stations using bands between 470 MHz and 1000 MHz; and for any station of a terrestrial service using a band above 1000 MHz, the areas which are involved are as follows:

(1) For a station the antenna of which looks within the 200 deg. sector toward the Canada-United States borders, that area in each country within 35 miles of the borders;

(2) For a station the antenna of which looks within the 160 deg. sector away from the Canada-United States borders, that area in each country within 5 miles of the borders; and

(3) The area in either country within coordination distance as described in Recommendation 1A of the Final Acts of the EARC, Geneva, 1963 of a receiving earth station in the other country which uses the same band.

(g) Proposed assignments in the space radiocommunication services and proposed assignments to stations in frequency bands allocated coequally to space and terrestrial services above 1 GHz are not treated by these arrangements. Such proposed assignments are subject to the regulatory provisions of

the International Radio Regulations.

(h) Assignments proposed in the frequency band 806-890 MHz shall be in accordance with the Canada-United States agreement, dated April 7, 1982.

4. Section 1.929 is amended by revising sections (b)(2), (c)(4) and (d) to read as follows:

§ 1.929 Classification of filings as major or minor.

* * * * *

(b) * * *

(1) * * *

(2) Request that a CGSA boundary or portion of a CGSA boundary be determined using an alternative method; or,

(3) * * *

(c) * * *

* * * * *

(4) In the Private Land Mobile Radio Services (PLMRS) and in GMRS systems licensed to non-individuals:

(i) Change in frequency or modification of channel pairs;

(ii) * * *

(iii) Change in effective radiated power from that authorized or, for GMRS systems licensed to non-individuals, an increase in the transmitter power of a station;

(iv) * * *

(v) Change in the authorized location or number of base stations, fixed, control, or, for systems operating on non-exclusive assignments in GMRS or the 470-512 MHz, 800 MHz or 900 MHz bands, a change in the number of mobile transmitters, or a change in the area of mobile transmitters, or a change in the area of mobile operations from that authorized;

(vi) * * *

(d) In the microwave services:

(1) Except as specified in paragraph (d)(2) and (d)(3) of this section, the following, in addition to those filings listed in paragraph (a) of this section, are major actions that apply to stations licensed to provide fixed point-to-point, point-to-multipoint, or multipoint-to-point, communications on

a site-specific basis, or fixed or mobile communications on an area-specific basis under Part 101 of this chapter:

(i) Any change in transmit antenna location by more than 5 seconds in latitude or longitude for fixed point-to-point facilities (e.g., a 5 second change in latitude, longitude, or both would be minor); any change in coordinates of the center of operation or increase in radius of a circular area of operation, or any expansion in any direction in the latitude or longitude limits of a rectangular area of operation, or any change in any other kind of area operation;

(ii) Any increase in frequency tolerance;

(iii) Any increase in bandwidth;

(iv) Any change in emission type;

(v) Any increase in EIRP greater than 3 dB;

(vi) Any increase in transmit antenna height (above mean sea level) more than 3 meters, except as specified in paragraph (d)(3) of this section;

(vii) Any increase in transmit antenna beamwidth, except as specified in paragraph (d)(3) of this section;

(viii) Any change in transmit antenna polarization;

(ix) Any change in transmit antenna azimuth greater than 1 degree, except as specified in paragraph (d)(3) of this section ; or,

(x) Any change which together with all minor modifications or amendments since the last major modification or amendment produces a cumulative effect exceeding any of the above major criteria.

(2) Changes to transmit antenna location of Multiple Address System (MAS) Remote Units and Digital Electronic Message Service (DEMS) User Units are not major.

(3) Changes in accordance with paragraphs (d)(1)(vi), (d)(1)(vii) and (d)(1)(ix) are not major for the following:

(i) Fixed Two-Way MAS on the remote to master path,

(ii) Fixed One-Way Inbound MAS on the remote to master path,

(iii) Multiple Two-Way MAS on the remote to master and master to remote paths,

(iv) Multiple One-Way Outbound MAS on the master to remote path,

- (v) Mobile MAS Master,
- (vi) Fixed Two-Way DEMS on the user to nodal path, and
- (vii) Multiple Two-Way DEMS on the nodal to user and user to nodal paths.

Note: For the systems and path types described in paragraph (d)(3) of this section, the data provided by applicants is either a typical value for a certain parameter or a fixed value given in the Form instructions.

* * * * *

5. Section 1.939 is amended by revising the text of paragraph (b) to read as follows:

§ 1.939 Petitions to deny.

* * * * *

(b) *Filing of petitions.* Petitions to deny and related pleadings may be filed electronically via ULS. Manually filed petitions to deny must be filed with the Office of the Secretary, 445 Twelfth Street, S.W., Room TW-B204, Washington, DC 20554. * * *

* * * * *

6. Section 1.947 is amended by revising the text of paragraph (b) to read as follows:

§ 1.947 Modification of licenses.

- (a) * * *

(b) Licensees may make minor modifications to station authorizations, as defined in § 1.929 of this part (other than pro forma transfers and assignments), as a matter of right without prior Commission approval. Where other rule parts permit licensees to make permissive changes to technical parameters without notifying the Commission (e.g., adding, modifying, or deleting internal sites), no notification is required. For all other types of minor modifications (e.g., name, address, point of contact changes), licensees must notify the Commission by filing FCC Form 601 within thirty (30) days of implementing any such changes.

* * * * *

7. Section 1.955 is revised to read as follows:

§ 1.955 Termination of authorizations.

(a) * * *

(1) * * * See § 1.949 of this part. No authorization granted under the provisions of this part shall be for a term longer than ten years.

(2) * * * See § 1.946(c) of this part.

* * * * *

8. Section 13.8 is added to read as follows:

§ 13.8 Authority conveyed.

Licenses, certificates and permits issued under this part convey authority for the operating privileges of other licenses, certificates, and permits issued under this part as specified below:

(a) First Class Radiotelegraph Operator's Certificate conveys all of the operating the authority of a Second Class Radiotelegraph Operator's Certificate, a Third Class Radiotelegraph Operator's Certificate, and a Marine Radio Operator's Permit.

(b) A Second Class Radiotelegraph Operator's Certificate conveys all of the operating the authority of a Third Class Radiotelegraph Operator's Certificate, and a Marine Radio Operator's Permit.

(c) A Third Class Radiotelegraph Operator's Certificate conveys all of the operating the authority of a Marine Radio Operator's Permit.

(d) A General Radiotelephone Operator's License conveys all of the operating the authority of a Marine Radio Operator's Permit.

(e) A GMDSS Radio Operator's License conveys all of the operating the authority of a Marine Radio Operator's Permit.

(f) A GMDSS Radio Operator's License conveys all of the operating the authority of a General Radiotelephone Operator's License and a Marine Radio Operator's Permit.

9. Section 13.10 is added to read as follows:

§13.10 Licensee Address

In accordance with Section 1.923 of this chapter all applicants must specify an address where the applicant can receive mail delivery by the United States Postal Service except as specified below:

- (a) Applicants for a Restricted Radiotelephone Operator Permit;
- (b) Applicants for a Restricted Radiotelephone Operator Permit - Limited Use.

10. Section 22.142 is added to read as follows:

§ 22.142 Commencement of Service.

Stations must begin providing service to subscribers no later than the date of required commencement of service specified on the authorization. If service to subscribers has not begun by the date of required commencement of service, the authorization terminates, in whole or in part, without action by the Commission, pursuant to 47 C.F.R. § 1.946. Additional requirements for construction of facilities apply to cellular systems (see § 22.946) and commercial air-ground systems (§ 22.873.)

11. Section 22.165 is amended by revising paragraph (e) to read as follows:

§ 22.165 Additional transmitters for existing systems.

* * * * *

(e) *Cellular Radiotelephone Service.* During the five-year build-out period, the service area boundaries of the additional transmitters, as calculated by the method set forth in § 22.911(a), must remain within the market, except that the service area boundaries may extend beyond the market boundary into the area that is part of the CGSA or is already encompassed by the service area boundaries of previously authorized facilities. After the five-year build-out period, the service area boundaries of the additional transmitters, as calculated by the method set forth in § 22.911(a), must remain within the CGSA. Licensees must notify the Commission (FCC Form 601) of any transmitters added under this section that cause a change in the CGSA boundary. * * *

* * * * *

12. Section 22.529 is amended by revising the introductory rule language and by adding paragraph (c):

§ 22.529 Application requirements for the Paging and Radiotelephone Service.

In addition to information required by subparts B and D of this part, applications for authorization in the Paging and Radiotelephone Service contain required information as described in the instructions to the form. Site coordinates must be referenced to NAD83 and be correct to +- 1 second.

(a) * * *

(b) * * *

(c) Upon request by an applicant, licensee, or the Commission, a Part 22 applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

* * * * *

13. Section 22.709 is amended by adding paragraph (f) to read as follows:

§ 22.709 Rural radiotelephone service application requirements.

* * * * *

(f) *Antenna Information.* Upon request by an applicant, licensee, or the Commission, a Part 22 applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

14. Section 22.803 is amended by adding paragraph (c) to read as follows:

§ 22.803 Air-Ground Application Requirements

* * * * *

(b) * * *

(c) Upon request by an applicant, licensee, or the Commission, a Part 22 applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

15. Section 22.929 is amended by revising the introductory rule language and by adding paragraph (d) to read as follows:

§ 22.929 Application requirements for the Cellular Radiotelephone Service.

In addition to information required by subparts B and D of this part, applications for authorization in the Cellular Radiotelephone Service contain required information as described in the instructions to the form. Site coordinates must be referenced to NAD83 and be correct to +- 1 second.

(a) * * *

(b) * * *

(c) * * *

(d) *Antenna Information.* Upon request by an applicant, licensee, or the Commission, a cellular applicant or licensee of whom the request is made shall furnish the antenna type, model, and the name of the antenna manufacturer to the requesting party within ten (10) days of receiving written notification.

16. Section 22.946 is amended by revising paragraph (a) to read as follows:

§ 22.946 Service commencement and construction periods for cellular systems.

(a) * * * The licensee must notify the FCC (FCC Form 601) after the requirements of this section are met (see § 1.946).

* * * * *

17. Section 22.953 is amended by removing paragraph (a)(5):

§ 22.953 Content and form of applications.

(a) * * *

(5) [Removed]

* * * * *

18. Section 80.59 is amended by revising paragraph (c)(2) to read as follows:

§ 80.59 Compulsory ship inspections.

* * * * *

(c) * * *

(1) * * *

(2) Feeable applications for exemption must be filed with Mellon Bank, Pittsburgh, Pennsylvania at the address set forth in § 1.1102. Waiver requests that do not require a fee should be submitted via the Universal Licensing System or to: Federal Communications Commission, 1270 Fairfield Road, Gettysburg, Pennsylvania 17325-7245. Emergency requests must be filed with the Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, S.W., TW-B204, Washington, D.C. 20554.

* * * * *

19. Section 87.25 is amended by removing paragraph (a):

§ 87.25 Filing of Applications

(a) [Removed]

* * * * *

20. The rule title to Section 90.167 is revised to read as follows:

§ 90.167 Time in which a station must commence service.

21. Section 90.693 is revised to read as follows:

§ 90.693 Grandfathering provisions for incumbent licensees.

(a) * * *

(b) * * * Pursuant to the minor modification notification procedure set forth in 1.947(b), the incumbent licensee must notify the Commission within 30 days of any changes in technical parameters or additional stations constructed that fall within the short-spacing criteria. See 47 C.F.R. § 90.621(b).

(c) * * * Pursuant to the minor modification notification procedure set forth in 1.947(b), the

incumbent licensee must notify the Commission within 30 days of any changes in technical parameters or additional stations constructed that fall within the short-spacing criteria. See 47 C.F.R. § 90.621(b).

(d) Consolidated License.

(1) * * * Incumbents exercising this license exchange option must submit specific information on Form 601 for each of their external base sites after the close of the 800 MHz SMR auction.

(2) * * * Incumbents exercising this license exchange option must submit specific information on Form 601 for each of their external base sites after the close of the 800 SMR auction.

22. Section 95.5 is amended to read as follows:

§ 95.5 Licensee eligibility

(a) An *individual* (one man or one woman) is eligible to obtain, renew, and have modified a GMRS system license if that individual is 18 years of age or older and is not a representative of a foreign government.

(b) A *non-individual* (an entity other than an individual) is ineligible to obtain a new GMRS system license or make a major modification to an existing GMRS system license (*see* §1.929).

(c) A GMRS system licensed to a non-individual before July 31, 1987, is eligible to renew that license and all subsequent licenses based upon it if:

(1) The non-individual is a partnership and each partner is 18 years of age or older; a corporation; an association; a state, territorial, or local government unit; or a legal entity;

(2) The non-individual is not a foreign government; a representative of a foreign government; or a federal government agency; and

(3) The licensee has not been granted a major modification to its GMRS system.

23. Section 95.7 is amended by revising paragraph (a) to read as follows:

§ 95.7 Channel Sharing

(a) Channels or channel pairs (one 462 MHz frequency listed in § 95.29(a) of this part and one 467 MHz frequency listed in § 95.29(b) of this part) are available to GMRS systems only on a shared basis and will not be assigned for the exclusive use of any licensee. * * *

* * * * *

24. Section 95.29 is amended by revising paragraphs (a) and (b) and by removing and reserving paragraph (e) to read as follows:

§ 95.29 Channels Available.

(a) For a base station, fixed station, mobile station, or repeater station (a GMRS station that simultaneously retransmits the transmission of another GMRS station on a different channel or channels), the licensee of the GMRS system must select the transmitting channels or channel pairs (*see* § 95.7(a) of this part) for the stations in the GMRS system from the following 462 MHz channels:

462.5500, 462.5750, 462.6000, 462.6250, 462.6500, 462.6750, 462.7000 and 462.7250

(b) For a mobile station, control station, or fixed station operated in the duplex mode, the following 467 MHz channels may be used only to transmit communications through a repeater station and for remotely controlling a repeater station. The licensee of the GMRS system must select the transmitting channels or channel pairs (*see* § 95.7(a) of this part) for the stations operated in the duplex mode, from the following 467 MHz channels:

467.5500, 467.5750, 467.6000, 467.6250, 467.6500, 467.6750, 467.7000 and 467.7250

* * *

(e) [Reserved]

* * * * *

25. Section 95.101 is amended to add paragraph (d) to read as follows:

§ 95.101 --What the license authorizes.

* * * * *

(d) For non-individual licensees, the license together with the system specifications for that license as maintained by the Commission represent the non-individual licensees' maximum authorized system.

26. Section 95.103 is amended to read as follows:

§ 95.103 Licensee duties.

(a) The licensee is responsible for the proper operation of the GMRS system at all times. The licensee is also responsible for the appointment of a station operator.

(b) The licensee may limit the use of repeater to only certain user stations.

27. Section 97.15 is revised to read as follows:

§ 97.15 Station antenna structures.

(a) Owners of certain antenna structures more than 60.96 meters (200 feet) above ground level at the site or located near or at a public use airport must notify the Federal Aviation Administration and register with the Commission as required by Part 17 of this chapter.

(b) Except as otherwise provided herein, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. [State and local regulation of a station antenna structure must not preclude amateur service communications. Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose. *See* PRB-1, 101 FCC 2d 952 (1985) for details.]

28. Section 97.17 is amended by revising paragraphs (b)(1) and (c) to read as follows.

§ 97.17 Application for new license grant.

(a) * * *

(b) * * *

(1) Each candidate for an amateur radio operator license which requires the applicant to pass one or more examination elements must present the administering VEs with all information required by the rules prior to the examination. The VEs may collect all necessary information in any manner of their choosing, including creating their own forms.

(2) * * *

(c) No person shall obtain or attempt to obtain, or assist another person to obtain or attempt to obtain, an amateur service license grant by fraudulent means.

* * * * *

29. Section 97.21 is amended by revising paragraph (a)(2) to read as follows:

§ 97.21 Application for a modified or renewed license.

(a) * * *

(2) May apply to the FCC for a modification of the operator/primary station license grant to show a higher operator class. Applicants must present the administering VEs with all information

required by the rules prior to the examination. The VEs may collect all necessary information in any manner of their choosing, including creating their own forms.

* * * * *

30. Section 101.705 is revised to read as follows:

§ 101.705 Special showing for renewal of common carrier station facilities using frequency diversity.

Any application for renewal of license, for a term commencing January 1, 1975, or after, involving facilities utilizing frequency diversity must contain a statement showing compliance with § 101.103(c) or the exceptions recognized in paragraph 141 of the *First Report and Order* in Docket No. 18920 (29 FCC 2d 870). (This document is available at: Federal Communications Commission, Library (Room TW-B505), 445 Twelfth Street, S.W., Washington, D.C.) If not in compliance, a complete statement with the reasons therefore must be submitted.

Appendix B: List of Petitioners, Commenters

Petitioner's Name

Abbreviations

American Radio Relay League
BellSouth
Blackberry REACT, Inc.
Chew, Lester
Comsearch
Federal Communications Bar Association
KD Communications - KAE1838
Leef, Robert K.
National Spectrum Manager Association
Personal Communications Industry Assoc.
Personal Radio Steering Group
Popkin, David B.
Region-20 Public Safety
Riechel, Robert M.
Utilities Telecommunications Council
Wiel, Alan S.

ARRL
BellSouth
Blackberry
Chew
Comsearch
FCBA
K.D. Comm.
Leef
NSMA
PCIA
PRSG
Popkin
Region-20
Riechel
UTC
Wiel

Comment Filer's Name

Abbreviations

Alwin, Jeffrey C.
Amieluace, L. L.
Baca, Cheryl S.
Baca, Dennis
Baca, Mike
Baca, Rebecca
Barringer, Wayne
Blackberry REACT, Inc.
Bologna, Alexander N.
Bollschweiler, Gary
Bollschweiler, M. Jenine
Borden, Ed
Bradford, S. Clint
Buck, H.
Buck, Walter

Alwin
Amieluace
C. Baca
D. Baca
M. Baca
R. Baca
Barringer
Blackberry
Bologna
G. Bollschweiler
M. Bollschweiler
Borden
Bradford
H. Buck
W. Buck

Burkholder, Barry W.	Burkholder
Carter, Roy	Carter
Centinela-South Bay REACT	Cenintella
Chapman, Stan	Chapman
Chew, Lester	Chew
Chin, William M.	Chin
Clark, Robert	Clark
Cochran, Kerry D.	Cochran
Collier, Kenneth J.	Collier
Cordone, Lillian S.	Cordone
Corona Norco REACT	Corona Norco
Coyle, Peter M.	Coyle
Crest REACT Team	Crest
E.J. Greany, Jr., KAD 6554	KAD 6554
Emerson, Allen	Emerson
Faust, Robert E.	Faust
Fred J. Lanshe (Pennsylvania Emergency Comm. Council)	Lanshe
Hicks, Dennis	Hicks
Hitch, Bob	Hitch
Hobbs, Thomas N.	Hobbs
Hutchins, Eric L.	Hutchins
K.D. Communications - KAE1838	K.D. Comm.
Klocke, David D.	Klocke
Koslov, Henry	Koslov
Le Brun, Charlie	Le Brun
Leeper, David W.	Leeper
Myers, David A.	Myers
Personal Radio Steering Group	PRSG
Pomeroy, Mark	Pomeroy
Randell, Bobby	B. Randell
Randell, Ronda	R. Randell
REACT of the Golden Gate Area	Golden Gate
Riechel, Robert M.	Riechel
Robbins, Doug	Robbins
San Fernando Valley REACT	S. F. Valley
South Gate REACT	South Gate
Stengel, C.	Stengel
Stowers, Johnny L.	Stowers
Smith, Douglas M.	Smith
Southwestern REACT of San Diego County, Inc.	SW REACT
Vella, Richard M.	Vella

Warren, G. P.
Weiss, Walter J., Jr.
Welch, Mary Ann
Webb, John

Warren
Weiss
Welch
Webb

Comment Filer's Name (RM 9107)**Abbreviations**

Apollo VII REACT, Inc. Team 4534
Austin Radio Communications Club
Besing, Lee W.
Collier, Kenneth J.
Currie, Thomas Peter
E.J. Greany, Jr., KAD 6554
Gamble, Richard T.
Harrison, Rick
Kobb, Bennett Z.
Leef, Robert K.
Jennings, Benjamin F.
Jennings, Lynn C.
Jennison, Jerry
Kitsap County REACT Team #4700
Nebraska State Council of REACT Teams
Personal Radio Steering Group
Riechel, Robert M.
Seitz, John LeRay
Truempy, John D.
Zygmunt, Bonnie

Apollo7
Austin
Besing
Collier
Currie
KAD 6554
Gamble
Harrison
Kobb
Leef
B. Jennings
L. Jennings
Jennison
Kitsap
Nebraska REACT
PRSG
Riechel
Seitz
Truempy
Zygmunt

APPENDIX C

Supplemental Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act ("RFA"),¹ an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated in the *Notice of Proposed Rule Making* in WT Docket No. 98-20. The Commission sought written public comment on the proposals in the *Notice of Proposed Rule Making*, including comment on the IRFA. A Final Regulatory Flexibility Analysis ("FRFA") was incorporated in the *ULS Report and Order*,² and the Commission received no petitions for reconsideration on any issues related to the FRFA. This present Supplemental Final Regulatory Flexibility Analysis conforms to the RFA, *see* 5 U.S.C. § 604, and accompanies this *Memorandum Opinion and Order on Reconsideration*, which addresses petitions for reconsideration submitted regarding the *ULS Report and Order*.

A. Need for and objectives of this Memorandum Opinion and Order on Reconsideration.

In this rulemaking the Commission consolidates, revises, and streamlines its rules governing license application procedures for radio services licensed by the Wireless Telecommunications Bureau (Bureau).³ *See* the description in section D, *infra*. The rule changes effected by this *Memorandum Opinion and Order on Reconsideration* will further implement the policy changes put in place by the *ULS Report and Order*.

B. Summary of significant issues raised by public comments in response to the Final Regulatory Flexibility Analysis (FRFA)

No petitions for reconsideration were filed with respect to the Final Regulatory Flexibility Analysis contained in the *ULS Report and Order*.⁴ This *Memorandum Opinion and Order on Reconsideration* is consistent with and does not materially change the Final Regulatory Flexibility

¹ *See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 *et seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) ("CWAAA"). Title II of CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 ("SBREFA").

² *ULS Report and Order*, 63 Fed. Reg. 68904 (1998).

³ WTB licenses the following radio services: Personal Communications Service (PCS), Cellular Radiotelephone Service (cellular), Public Mobile Services other than cellular (e.g., Paging and Radiotelephone, Rural Radiotelephone, Offshore Radiotelephone, Air-Ground Radiotelephone), Fixed Microwave Service, Private Land Mobile Radio Services, Maritime Radio Services, Aviation Radio Services, Amateur Radio Services, and Personal Radio Services. Additionally, WTB processes applications for the Broadcast Auxiliary Service (pursuant to an agreement with the Mass Media Bureau), requests by tower owners for Antenna Structure Registrations, and requests for Commercial Radio Operator Licenses.

⁴ *ULS Report and Order*, 63 Fed. Reg. 68904 (1998).

Analysis, pursuant to the Regulatory Flexibility Act, *see* 5 U.S.C. § 604, contained in *ULS Report and Order*, with the exception of the projected reporting, recordkeeping and other compliance requirements and the professional skills needed to prepare any records or reports.

C. Description and estimate of the number of small entities to which rules will apply

As noted above, a Final Regulatory Flexibility Analysis was incorporated into the *ULS Report and Order*. In that analysis, we described in detail the small entities that might be significantly affected by the rules adopted in the *ULS Report and Order*.⁵ Those entities may be found in a number of wireless services including: cellular radiotelephone service, broadband and narrowband PCS, paging, air-ground radiotelephone service, specialized mobile radio service, private land mobile radio service, aviation and marine radio service, offshore radiotelephone service, general wireless telecommunications service, fixed microwave service, commercial radio operators, amateur radio services, personal radio services, public safety radio services and governmental entities, rural radiotelephone service, marine coast service, and wireless communications service.⁶ In this present Supplemental Final Regulatory Flexibility Analysis, we hereby incorporate by reference the description and estimate of the number of small entities from the previous FRFA in this proceeding.

The rule changes in this *Memorandum Opinion and Order on Reconsideration* will affect all small businesses filing new wireless radio service license applications or modifying or renewing an existing license.⁷ To the extent that a rule change here affects a particular wireless service, our estimates, contained in Appendix B of the *ULS Report and Order*, remain valid as to the size of those services.

D. Description of the projected reporting, recordkeeping, and other compliance requirements

We will amend sections 22.529, 22.709, 22.803, and 22.929 so as to make those rules conform with the *ULS Report and Order*. Part 22 Licensees will no longer need to file certain categories of antenna information with the Commission. The licensees will need to keep that information on file and produce it within ten days of receiving a request for such information from other licensees or applicants. This policy change was already assessed in the Final Regulatory Flexibility Analysis. In addition, section 1.928 ("Frequency Coordination, Canada") reinstates a rule that was inadvertently removed.

⁵ See section C of the *ULS Report and Order's* FRFA, "Description and Estimate of the Number of Small Entities to which the Rules Apply," 63 Fed. Reg. at 68912.

⁶ *ULS Report and Order*, 63 Fed. Reg. 68912-4.

⁷ See n.2.

- E. Steps taken to minimize significant economic impact on small entities, and significant alternatives considered:

As noted in the Part E, Appendix B, *ULS Report and Order*, the development of the ULS will greatly reduce the cost of preparing wireless applications and pleadings, while increasing the speed of the licensing process. We expect that these changes will benefit all firms and businesses, including small entities. The changes made in the *Memorandum Opinion and Order on Reconsideration* are consistent with our Final Regulatory Flexibility Analysis. The Universal Licensing System will continue to present tremendous advantages for small businesses because it permits access to licensing information at tremendously reduced costs.

- F. Report to Congress

The Commission shall send a copy of this Memorandum Opinion and Order, including this Supplemental Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. *See* 5 U.S.C. § 801(a)(1)(A). A copy of the Memorandum Opinion and Order and Supplemental Final Regulatory Flexibility Analysis (or a summaries, thereof) will be published in the Federal Register. *See* 5 U.C.C. § 604(b). A copy of the Memorandum Opinion and Order and Supplemental Final Regulatory Flexibility Analysis will also be sent to the Chief Counsel for Advocacy of the Small Business Administration.